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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,794	09/30/1999	KAUSHAL KURAPATI	PHA-23.790	4468
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EXAMINER LAZARO, DAVID R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/408,794

Applicant(s)

KURAPATI ET AL.

Examiner

DAVID LAZARO

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This office action is in response to the amendment filed 04/25/08.
2. Claims 1-3, 19 and 20 were amended.
3. Claims 1-21 are pending in this office action.

Response to Amendment

4. The examiner withdraws the rejection of claims 19-21 under 35 USC 112, second paragraph, based on the amended claims.
5. Applicant's arguments filed 04/25/2008 have been fully considered but they are not persuasive. See Response to Arguments below. The grounds of rejection as presented in the 12/28/07 office action are respectfully maintained and amended in light of the amended claims. This office action is made FINAL.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15, 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,890,152 by Rapaport et al. (Rapaport).

8. With respect to claim 15, Rapaport teaches a receiver apparatus for obtaining content from multiple information sources for viewing by a viewer, comprising:

an input/output ("I/O") controller including an Internet connection input, a video output, and a selector input (column 2, lines 29-34); an

adaptive user profile database (column 2, line 34);

a filter coupled to the adaptive user profile database, the filter being coupled to the I/O controller for filtering information from the Internet connection input in accordance with the adaptive user profile database (column 33, lines 36-55; column 13, lines 24-33); -

an output display device configured to display a virtual library through the video output (column 2, line 30 and fig 15a); -

a populator that populates the virtual library with virtual multiple media collections using the filtered information from the implicit filter (column 33, lines 36-55 and fig 15a);

a browser that browses the virtual library in accordance with the selector input (column 33, lines 36-55 and fig. 15a).

a recommender that recommends virtual media in the virtual multiple media collections in the virtual library to a user based on a user profile for the user (Col. 5 lines 29-42 and Col. 7 lines 44-58).

9. With respect to claim 16, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising: an identifier that identifies a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24);

and an updater that updates the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

10. With respect to claim 19, Rapaport teaches computer program product comprising a computer readable medium having program logic recorded thereon for enabling a computer- enabled apparatus to display personalized information for a user from multiple informal ion sources, comprising:

a populator for populating a virtual library with a plurality of different virtual media collections in accordance with a user profile (Col. 5 lines 36-39, Fig. 15a), wherein the virtual library is populated with different types of media obtained from different media sources (Col. 1 lines 10-65 and Col. 5 lines 29-43: information from the internet is diverse in both type and source; Col. 6 lines 1-8 - intranet and compact disk).

a browser for browsing the virtual library by moving between the plurality of different media collections under user control (Col. 5 lines 29-42, Fig. 15a).

11. With respect to claim 20, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising:

an identifier for identifying a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24); and

an updater for updating the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-14, 17, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,890,152 by Rapaport et al. (Rapaport) in view of U.S. Patent 5,861,881 by Freeman et al. (Freeman).

14. With respect to claim 1, Rapaport teaches a method comprising:

establishing a user profile for the user based on various interests of the user
(Col. 2 lines 41-44);

establishing a virtual unified space including a virtual library (Col. 2 lines 27-40,
Fig. 15a);

populating the virtual library with a plurality of different virtual media collections in accordance with the user profile (Col. 5 lines 36-39, Fig. 15a); and

browsing the virtual library by moving between the plurality of different media collections under user control (Col. 5 lines 29-42, Fig. 15a).

Rapaport does not explicitly disclose wherein the plurality of the different virtual media collections includes information obtained directly from a broadcasted television signal, wherein the broadcasted television signal is an analog television signal. Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65). The broadcast television signal may be in either

analog or digital form (col. 6, lines 31-37 and col. 6, lines 45-49), and the information can be extracted directly from a vertical blanking interval of the signal. (Col. 6 lines 33-37).

It would have been obvious to one of ordinary skill in the art to use the information obtained directly from an analog broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information directly from an analog broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

15. With respect to claim 3, Rapaport further teaches wherein the plurality of the different virtual media collections includes information obtained from a vertical blanking interval of the analog television signal (In Freeman: Col. 6 line 33-37).

16. With respect to claim 4, Rapaport further teaches wherein the plurality of the different virtual media collections includes information received from a radio, a cable and a satellite broadcast (In Freeman: Col. 6 lines 15-20 - any type of transmission).

17. With respect to claim 5, Rapaport further teaches that the user profile establishing step comprises: - presenting a variety of questions to the user about the user's interests (In Rapaport: column 7, line 53); and - creating a user profile based on the user's answers to the questions (In Rapaport: column 7, lines 51-78).

18. With respect to claim 6, Rapaport further teaches that the populating step comprises: acquiring information items from a plurality of information sources of different media type in accordance with the user profile (In Rapaport: figure 15a); and

placing the information items into the virtual multiple media collections based on their respective information sources (In Rapaport: figure 15a).

19. With respect to claim 7, Rapaport further teaches that the populating step comprises: - comparing the user profile with a collective profile database to establish a similar collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); - acquiring information items from a plurality of information sources of different media type in accordance with the collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); and media collections based on their respective information sources (In Rapaport: column 18, lines 58- 67; column 19, lines 1-16).

20. With respect to claim 8, Rapaport further teaches - comparing the user profile with a collective profile database to establish a similar collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); - acquiring information items from a plurality of information sources of different media type in accordance with the collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); and media collections based on their respective information sources (In Rapaport: column 18, lines 58- 67; column 19, lines 1-16).

21. With respect to claim 9, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising: identifying a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24); and updating the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

22. With respect to claim 10, Rapaport further teaches augmenting the user profile in accordance with a collaborative database (In Rapaport: Col. 7 lines 44-58).
23. With respect to claim 11, Rapaport further teaches searching the virtual unified space with a search engine under user control (In Rapaport: column 5, lines 29-42); and - updating the user profile in accordance with the search step (In Rapaport: column 5, lines 29-42).
24. With respect to claim 12, Rapaport further teaches storing results of the searching step as media collections in the unified space for browsing by the user (In Rapaport: column 5, lines 29-42).
25. With respect to claim 13, Rapaport further teaches filtering results of the searching step in accordance with the user profile (In Rapaport: column 9, 29-39; column 10, lines 32-50).
26. With respect to claim 14, Rapaport further teaches prioritizing results of the searching step in accordance with the user profile (In Rapaport: column 38, lines 15-24; column 38, lines 30-35).
27. With respect to claim 17, Rapaport teaches all the limitations of claim 16 and further teaches the virtual media collections include information obtained from the Internet (Col. 5 lines 28-43).

Rapaport does not explicitly disclose obtaining information from a broadcasted television signal. Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65).

It would have been obvious to one of ordinary skill in the art to use the information obtained from a broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information from a broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

28. With respect to claim 18, Rapaport further teaches wherein the I/O controller further comprises an input for receiving television programs, including additional information through the television program and electronic program guide information, the filter being coupled to the I/O controller for filtering information from the television program input in accordance with the adaptive user profile database (In Rapaport: column 13, lines 24-33 This is inherent to the invention of Rapaport et al., because the invention refers to 'media files', which include television programs) (In Freeman: Col. 4 lines 7-65).

29. With respect to claim 21, Rapaport further teaches wherein the different media sources include internet data but does not disclose the media sources include a broadcasted television signal (Col. 5 lines 28-43).

Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65).

It would have been obvious to one of ordinary skill in the art to use the information obtained from a broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using

the known technique of obtaining information from a broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

30. With respect to claim 2, Rapaport teaches all the limitations of claim 15 and further teaches wherein the populator populates the virtual library with virtual media collections (Col. 5 lines 36-39, Fig. 15a). Rapaport does not disclose the plurality of the different virtual media collections includes information obtained directly from an analog television signal.

Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65). The broadcast television signal may be in either analog or digital form (col. 6, lines 31-37 and col. 6, lines 45-49), and the information can be directly extracted from a vertical blanking interval of the signal. (Col. 6 lines 33-37).

It would have been obvious to one of ordinary skill in the art to use the information obtained directly from an analog broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information directly from an analog broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

Response to Arguments

31. Applicant's arguments filed 04/25/2008 have been fully considered but they are not persuasive.

32. Applicant argues on pages 7-8 of the remarks: *"Claims 15, 16, 19 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rapaport. This rejection should be withdrawn because Rapaport does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 15, 16, 19 and 20.... Claims 15 and 19 recite similar aspects to those in claim 1. As such, the above discussion regarding claim 1 applies mutatis mutandis to claims 15 and 19. Claim 16 depends from claim 15, and at least by virtue of its dependency should be allowable and the rejection withdrawn."*

a. Examiner's response - In addition to the responses below, the examiner notes that claims 15 and 19 are not entirely similar to subject matter recited in claim 1. Particularly, claim 1 includes subject matter related to obtaining information for media collections directly from an analog broadcast television signal. This subject matter is not found in independent claims 15 and 19.

33. Applicant argues on pages 8-9 of the remarks - *"The Office concedes that Rapaport fails to teach obtaining media files from a broadcasted television signal. To make up for this deficiency, the Office asserts that Freeman does teach this element, however, when the information obtained from an analog broadcast television signal as disclosed in Freeman is incorporated with the device taught in Rapaport, the subject claim element is still not taught or suggested. Rapaport requires a separate media converting system that receives data through a modem and converts the data to a digital format that can be used by the device for processing. Likewise, Freeman also*

teaches a system where conventional analog television broadcast programming may be transferred from a cablehead to a computing device, but that the data must be also converted into a digital format readable by the computing device (column 6, lines 45-51; column 7, lines 3-5). Therefore, the combination of Rapaport and Freeman fails to teach obtaining media files "directly" from an analog broadcast television signal as required by amended claim 1, and the rejection should be withdrawn."

b. Examiner's response - While Freeman does indicate that in one instance the analog signal can be converted to digital if a cable modem is used, Freeman also indicates that the PC can alternatively use a demodulator card to directly receive the analog signal (Col. 6 lines 30-31 and Col. 7 lines 5-6). Freeman makes it specifically clear that the television signal received by the computer can be an analog TV broadcast signal or a digital signal in col. 6, lines 31-37 and col. 6, lines 45-49. Further, the additional information is extracted directly from the vertical blanking interval of these signals (Col. 6 lines 33-37). The examiner considers this to be within the scope of "information obtained directly from a broadcasted television signal, wherein the broadcasted television signal is an analog signal". Thus, when considering the combination of Rapaport and Freeman, the claimed subject matter is obvious. Applicant's arguments are not persuasive.

34. Applicant argues on page 9 of the remarks - *"The Office further asserts that column 5, lines 29-42 and Fig. 15a of Rapaport teach browsing the virtual library by moving between the plurality of different media collections under user control. It is respectfully submitted that Rapaport fails to teach this element. Column 5, lines 29-42 instead teach a data process apparatus that contains multiple components necessary to*

search a network, like the internet. This section does not teach a user controlling searching within data already saved to the device, as recited within claim 1. Fig. 15a, on the other hand, illustrates network search results that are retrieved by a search engine from a network, like the internet, and displayed to the user. Alternatively, the search engine does not retrieve data, but the user specifies the location of the data. Neither of these illustrations involves the user browsing the data saved to the device within the virtual library, but instead involves the system retrieving information from a network and displaying for the user, either through a search engine or the user specifying data location. Therefore, Rapaport fails to teach the claimed element and the rejection should be withdrawn."

- c. Examiner's response - In the BPAI decision mailed 09/26/2007, the BPAI characterized Rapaport in their Fact Findings (Pages 4 and 5 of the decision, under '2.') and Analysis sections (Pages 6-8 of the decision). Particularly, Rapaport is characterized by the BPAI as presenting a unified space of various media files for the purpose of user browsing. The BPAI further found that such a unified space is considered to be a virtual library when considering the claims with reasonable breadth. Subsequently, the BPAI found the claimed features were clearly taught by Rapaport, which included at that time, the feature of "browsing the virtual library by moving between the plurality of different media collections under user control". Applicant's arguments are not persuasive.
- d. The examiner further notes that the claimed subject matter does not disclose limitations regarding the user browsing "data saved to the device". Claim 1 for instance, only indicates "establishing a virtual unified space including a virtual library". There is no subject matter specifically indicating the storage of data to a particular device.

35. Applicant's remaining arguments on pages 9 -10 of the remarks in relation to claims 2, 3-14, 17, 18 and 21 rely on the logic of the arguments above. As such, the examiner relies on the responses above as a response to the remaining arguments.

Conclusion

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID LAZARO** whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2155
July 21, 2008